

**DELEGATION OF AUTHORITY  
CLEAN WATER ACT (CWA)**

**Imminent and Substantial Endangerment**

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Section 311(e), and in accordance with Executive Order No. 12,777 (Oct. 18, 1991), as amended by Executive Order Nos. 13,286 (Feb. 28, 2003) and 13,638 (Mar. 15, 2013), to:
  - a. Determine that there is an imminent and substantial threat to the public health or welfare of the United States because of an actual or threatened discharge of oil or hazardous substance into or upon the navigable waters of the United States from a vessel or an onshore or offshore facility.
  - b. Provide notice, or cause notice to be provided to the affected state.
  - c. Issue administrative orders or take other actions necessary to protect the public health and welfare.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, and through the Branch Chiefs, Emergency Management Branch and Remedial Cleanup Branch, or equivalents, to the Section Chiefs, Emergency Response Section, Spill Prevention and Removal Section, and Site Cleanup Sections 1,2, and 3, or equivalents.
3. **LIMITATIONS.**
  - a. The division director, branch chief, or section chief must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authority in 1.c. The regional counsel, or equivalent, may waive concurrence in writing.
  - b. The AA for OLEM must consult with the division director, branch chief, or section chief before exercising the authorities in 1.a. and 1.b., and with the AA for OECA before exercising the authorities in 1.b. and 1.c. The AA for OECA may waive consultation in writing.
  - c. The AA for OECA must consult with the division director, branch chief, or section chief before exercising the authorities in 1.b. and 1.c.
  - d. The division director, branch chief, or section chief must consult with the AA for OECA before exercising the authorities in 1.a. and 1.c. The AA for OECA may waive consultation in writing.
  - e. Before exercising the authority in Section 1.c., a corresponding determination that there is an "imminent and substantial threat to public health or welfare" under CWA Section 311(e) must have been made under Section 1.a.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the

authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. SUPERSESSION.** This delegation supersedes R10 2-85 (06/26/2017) and any other delegation of the same authority.

**6. ADDITIONAL REFERENCES.**

- a. National Contingency Plan (40 C.F.R. Part 300).
- b. For referral of the corresponding civil judicial enforcement actions to the U.S. Department of Justice, see the Chapter 2 delegations entitled "Civil Judicial Enforcement and Administrative Penalty Collections Actions" and "Emergency Temporary Restraining Orders."
- c. EPA Delegation 2-85.

APR 15 2019

Date

A handwritten signature in black ink, appearing to read "Chris Hladick", written over a horizontal line.

Chris Hladick  
Regional Administrator